

# Notice of Allowability

Application No.

10/017,212

Examiner

Eleni A. Shiferaw

Applicant(s)

WODZIANEK ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/12/2007.
2. ☒ The allowed claim(s) is/are 1,3-8,10-22,27 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/12/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

6/14/07

#### DETAILED ACTION

1. Examiner initiated interview has been made to amend the claims in order to particularly point out the invention and the applicant's claims raised 112 issues that were resolved by the agreement on the telephone interview with Thomas Van Zandt on June 12, 2007.

Based on the interview, Examiner's amendment has been made for independent claims 1, 10, 22, 27, and 29 and claim 28 that is the duplicate of claim 22 is canceled.

#### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Van Zandt on June 12, 2007.

3. Claims 1, 10, 22, 27, and 29 are amended and claim 28 is canceled as follows.

1. (Currently Amended) A method comprising:

in a portable data device, checking a wireless network card for a stored platform discrimination indication, the platform discrimination indication dependent upon a wireless data transfer capacity of the portable data device;

and depending on a value of the platform discrimination indication, inhibiting or allowing data transfer, across a wireless network, using the wireless network card, one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of portable data device types, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data device types, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices wherein the restricted set of portable data devices includes a personal digital assistant but does not include notebook computers [.] ;

said additional portable data devices comprising said notebook computers; and  
wherein said platform discrimination indication capable of being upgraded from  
restricted set of portable data devices to expanded set.

10. (Currently Amended) A method comprising: at a first device, using an input electronic ID of a wireless network card to determine a first key value; at a portable data device not the first device, using the first key value to calculate a calculated ID value; and at the portable data device, comparing the calculated ID value to the electronic ID of the wireless network card so that if the calculated ID value matches the electronic ID of the wireless network card data transmissions from the portable data device through the wireless network card, across a wireless network, are enabled by modifying a stored platform discrimination indication, the platform discrimination indication dependent upon a wireless data transfer capacity of the portable data device, one value of the platform discrimination indication allowing the wireless network card to

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be used with a restricted set of portable data device types, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data device types, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices wherein the restricted set of portable data devices includes a personal digital assistant but does not include notebook computers [[.]] ;said additional portable data devices comprising said notebook computers; and wherein said platform discrimination indication capable of being upgraded from restricted set of portable data devices to expanded set.

22. (Currently Amended) A wireless network card for use with portable data devices, the wireless network card including a stored platform discrimination indication, the platform discrimination indication dependent upon a wireless data transfer capacity of the portable data device; [[the]] a value of the platform discrimination indication determining whether the wireless network card can be used with [[the]] a type of the portable data device to transfer data across a wireless network, one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of portable data device types, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data device types, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices wherein the restricted set of portable data devices includes a personal digital assistant but does not include notebook computers [[. ]] ;said additional portable data devices comprising said notebook computers; and wherein said platform

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discrimination indication capable of being upgraded from restricted set of portable data devices to expanded set.

27. (Currently Amended) A wireless network card software driver for a portable data device, the wireless network card software driver adapted to implement the steps of: checking the wireless network card for a platform discrimination indication the platform discrimination indication dependent upon a wireless data transfer capacity of the portable data device; using the platform discrimination indication to determine whether to enable data transfer, across a wireless network, one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of portable data device types, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data device types, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices wherein the restricted set of portable data devices includes a personal digital assistant but does not include notebook computers[[.]] ; said additional portable data devices comprising said notebook computers; and wherein said platform discrimination indication capable of being upgraded from restricted set of portable data devices to expanded set.

28. (Canceled)

29. (Currently Amended) A wireless network card for use with portable data devices, the wireless network card including a stored platform discrimination indication, the platform

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discrimination indication dependent upon a wireless data transfer capacity of the portable data device; [[the]] a value of the platform discrimination indication determining whether the wireless network card can be used with [[the]] a type of portable the data device to transfer data across a wireless network, one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of portable data device types, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data device types, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices, the platform discrimination indication capable of being upgraded from the restricted set of portable data devices to the expanded set through a process wherein a user takes an electronic I.D. of the wireless network card, uses the electronic I.D. of the wireless network card to produce a first key value, this first key value is then used by the personal portable data device to calculate a calculated I.D., if the calculated I.D. matches the electronic I.D. of the wireless network card, the platform discrimination indication is modified to allow the wireless network card to operate with the expanded set of portable data devices [[.]] ; said additional portable data devices comprising said notebook computers; and wherein said platform discrimination indication capable of being upgraded from restricted set of portable data devices to expanded set.

***Response to Arguments***

4. Applicant's arguments on 02/26/2007 are persuasive.

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***Allowable Subject Matter***

5. Claims 1, 3-8, 10-22, 27, and 29 are allowed.

The following is an examiner's statement of reasons for allowance:

Prior arts of record neither alone nor in combination fail to disclose claims 1, 10, 22, 27, and 29 wherein a method comprising a wireless network card for a stored platform discrimination indication that is dependent upon a wireless data transfer capacity of the portable data device and depending on a value of the platform discrimination indication inhibiting or allowing data transfer across a wireless network, using the wireless network card, one value of the platform discrimination indication allowing the wireless network card to be used with an expanded set of portable data device types including a restricted set of portable data device, includes personal digital assistant, as well as additional portable data devices comprising notebook computers not included in the restricted set of portable devices and said platform discrimination indication capable of being upgraded from restricted set of portable data devices to expanded set.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.

The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

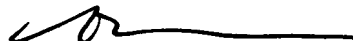
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



June 13, 2007

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